

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS

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April 19, 2021

The City Council of the City of Gardner, Kansas met in regular session on April 19, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Kacy Deaton, Randy Gregorcyk, and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; Attorney Spencer Low; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim April 22, 2021 as Earth Day in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that April 22, 2021 be known as Earth Day in the City of Gardner, Kansas.

2. Proclaim April 30, 2021 as Arbor Day in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that April 30, 2021 be known as Arbor Day in the City of Gardner, Kansas.

3. Proclaim the week of April 18-24, 2021 as Crime Victims' Rights Week in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that April 18-24, 2021 be known as Crime Victims' Rights Week in the City of Gardner, Kansas.

4. 2021-2025 Capital Improvement Program

Finance Director Matt Wolff presented the 2021-2025 Capital Improvement Program (CIP). The CIP is a 5-year look, while the Capital Improvement Element (CIE) is a 20-year big-picture look. There are four main components to the CIP. They first identify needs. They consider the CIE, master plans, utility assessments, staff expertise, and input from council and the public. When needs are identified, they define a scope and a project to address the need. They also determine cost, including the upfront project cost and the ongoing operational costs on future budgets. There are more identified capital projects than there is funding to do those projects. Departments prioritize their project requests. After they've identified projects and developed cost estimates, they develop a funding plan for projects. Cash funded projects have an immediate impact on the budget, while debt projects will have annual debt service payments that will affect future budgets. They also consider the useful life of a project when determining the best way to finance the project. Wolff noted that Public Works projects make up about 50% of the total cost of the 5-year plan using total project costs, but that the PW department receives grants to help offset the cost of many of their projects. One requirement of the CIP is that it has to conform to the comprehensive plan. They look to stated goals in the comprehensive plan and align the different projects with those goals.

Wolff shared projects included in high quality/dependable public services and facilities. The terminal building and hangar have significant deficiencies with electrical, structural, fire hazards, insulation, access, and ADA compliance. There may be KDOT funds available to assist with this project. The Line Maintenance Division has grown over the past 5 years and current office space is limited. A new building near the Energy Center is needed to house all staff, materials, and equipment. Installation of an anaerobic selector basin to achieve nutrient removal may be required by future operating permits. This will cost approximately \$5.85 million and will only happen if mandated.

Wolff shared projects included in maintaining safe and efficient transportation network. They need to signalize Moonlight and Madison as driven by traffic warrants. Left turns have been rated as having a poor level of service.

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Moonlight Road Safe Routes to School project will address gaps in the existing sidewalk and trail network to provide pedestrian access to schools in that area. Waverly from 175th to Madison will improve a rural 2-lane road with no sidewalks and open ditches that has flooding and safety issues. The Main Street Reconstruction Project from Sycamore to Old-56 is scheduled for 2021. This project leverages \$3 million dollars in KDOT funding, \$735,000 in CARS funding, and \$400,000 in developer contributions. Center St. Sidewalk Improvements will address an existing sidewalk gap on the west side of Center St. where pedestrians are forced to walk in the grass. The project will provide a continuous sidewalk and will include widening the existing sidewalk on the Center St. Bridge. The bridge improvement was identified in the Main Street Corridor Study. Improvements are needed on the rural roadway section of Moonlight Road, I-35 to Buffalo Trail, before an interchange can be built at Moonlight. Center St. Rehab (Main St. to 167th St.) project involves a partial road reconstruction that is needed to protect one of the City's main north/south arterials. Failure to reconstruct sections of the road will create the need for complete reconstruction. Proposed land acquisition is needed to protect the Airport's runway protection zone.

Wolff shared projects included in balancing a park system that supports connectivity. The Quail Meadows trail and park projects will add a park off of 167th Street and connect it into the City's trail system. Trail resurfacing will improve the S. Center Street Bicycle/Pedestrian Pathway. They plan to use funds from the Infrastructure Special Sales Tax to fund this project, but will also pursue grants to help fund the project.

Wolff shared projects included in supporting growth. The Hilltop Ridge benefit districts will provide infrastructure for the new development. The cost of those improvements will be paid for by special assessments. Per the City's development agreement with Grata, the City is responsible for extending utility services to the Grata property. Nike lift station and force main improvements will serve the growth area between S. Gardner Road, S. Moonlight Rd., 191st Street, and W 199th Street. The Gardner Rd. Bridge will cost approximately \$17.2M; the project will leverage over \$12.7M in grant funding. The new intake structure for Hillsdale Lake and construction of a new water transmission line will expand water capacity and support growth. Acquiring land for the future Substation 4 will help the City prepare for growth on the other side of the interstate. I-35 and US-56 Interchange Improvements include traffic signals at the ramp intersections and a right turn lane for northbound traffic and extension of the left turn lane for westbound traffic. The White Drive Gravity Main replacement project will replace several pipe runs that are of 50 years old and add capacity to allow for new development.

Wolff noted three projects that were requested and categorized as unfunded. Those include Gardner Lake Spillway, Gardner Road from 199th to I-35, and street improvements for Destination Downtown. Bringing these projects forward will depend on the level of grant funding available.

Wolff said staff will present the CIP to the Planning Commission on May 25. Planning Commission will determine if the CIP is in conformance with the comprehensive plan. After that, staff will ask council to adopt the revised 2021-2022 budget, which will include the 2021-2025 CIP. This timeline allows for 3-4 months for the public and council to give input into the CIP at budget meetings.

Mayor Shute asked if there will be public input opportunities. Director Wolff said there are budget meetings planned, and there will be a public hearing for the budget.

PUBLIC HEARINGS

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on April 5, 2021**
2. **Standing approval of City expenditures prepared March 31, 2021 in the amount of \$1,341,609.87; March 31, 2021 in the amount of \$152,145.74; April 2, 2021 in the amount of \$169,907.59; and April 9, 2021 in the amount of \$1,342,681.96**
3. **Consider approving the issuance of a Cereal Malt Beverage (CMB) license for the remainder of calendar year 2021**

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- 4. Consider appointments to the Planning Commission**
- 5. Consider authorizing the execution of a contract with SK Design Group Inc. for design of the Quail Meadows Trail Project**
- 6. Consider authorizing the execution of agreements to acquire right-of-way and easements for the US-56, Sycamore to Old US-56 Reconstruction Project**
- 7. Consider authorizing the execution of a contract with Capital Electric Line Builders, Inc. for the Moonlight Road and Madison Street Traffic Signal project**
- 8. Consider authorizing payment for easements for the Prairie Trace development waterline improvements**
- 9. Consider accepting court-ordered compensations and appraisal fees and authorizing payment for easement acquired through Eminent Domain as required to install waterline improvements for the Prairie Trace development**

Councilmember Gregorcyk Asked to remove item 9 from the Consent Agenda.

Councilmember Deaton made a motion to approve items 1-8 on the Consent Agenda.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of Consent Agenda Item 9, Consider accepting court-ordered compensations and appraisal fees and authorizing payment for easement acquired through Eminent Domain as required to install waterline improvements for the Prairie Trace development

Councilmember Gregorcyk asked what the balance is in the fund that this cost will be paid from. City Administrator Pruetting said the balance after this cost and the outlay for the water line extension is at \$1.825 Million.

Councilmember Gregorcyk made a motion to accept the District Court of Johnson County Civil Court ordered compensations and appraisal fees and authorize payment for easements acquired through Eminent Domain as required to install waterline improvements for the Prairie Trace development in the amount of \$172,606.75.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

- 1. Consider authorizing the execution of a contract with Haynes Equipment for replacement of the Kill Creek WRRF UV Disinfection and Recycled Water Systems**

Utilities Director Gonz Garcia said this item went to the UAC on April 1 and they approved the recommendation to council. The Kill Creek Water Resource Recovery facility has been in operation since 2003. Part of treatment is to use an ultra violet disinfection system prior to the effluent being released into Kill Creek. Microorganisms are rendered sterile after passing through the UV lamps and no longer cause any health risks. The water is also used in the wash down of equipment, irrigation, batch tanks for dewatering process, and spray bars along the oxidation ditch. The current system is obsolete; it's been in service for nearly 20 years. It is inefficient and consumes a lot of energy. Staff advertised an RFP in multiple locations and received two proposals. Staff recommended Haynes Equipment to replace the existing system at a cost of \$317,580.

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Councilmember Winters noted this has been problem for a long time. Garcia said it was noted in the utility assessment in 2015. It wasn't an immediate need, but after 6 years, it's time to replace it.

Councilmember Deaton made a motion to authorize the City Administrator to execute a contract with Haynes Equipment for replacement of the Kill Creek WRRF UV Disinfection and Recycled Water Systems in the amount not to exceed \$317,580.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider adopting an ordinance approving a rezoning from R-2 to R-1 District for approval of a portion of lot 216 of the proposed Aspen Creek V subdivision

Principal Planner Robert Case said he will go through both CR2 and CR3 in the same presentation. Both Aspen Creek V and the Meadows of Aspen Creek II cover a total of 33.59 acres and consist of 89 lots. There are 33 duplex lots located in Meadows of Aspen Creek II, and 56 single-family lots in the proposed Aspen Creek V. Overall, 122 new housing units are proposed (66 attached single-family units and 56 detached single-family units). The Subarea Plan adopted in June 2016 indicates that the future land use of the property is projected to be low-density residential on the northern portion of the property and medium-density residential on the southern portion of the property. This property was annexed into the City in 1996 as part of a larger 158-acre site. The northern portion is zoned to R-1. The southern portion is zoned R-2. There were no associated plans submitted with either rezoning petition at those times.

Item CR2 is the down-zoning of a small piece of land, approximately .12 acre, located along the eastern side of the property from R-2 to R-1. Rezoning is requested to align the zoning area with the proposed development pattern of a single-family lot as part of the proposed Aspen Creek V subdivision. This would avoid the lot being split in two zoning districts. Planning Commission recommended approval of the rezoning request for Aspen Creek V.

Item CR3 is a proposed rezoning of the property from the existing R-2 to the proposed RP-4 zoning district. This is requested to accommodate a duplex development and open space associated with the development. The RP-4 district is requested to accommodate 13 duplex lots that are under 10,000 sq. ft. and requires approval of an associated development plan. The proposed preliminary development plan has 33 duplex lots, continues the existing roadway and pedestrian network, and incorporates an open space area. Preliminary plats associated with both the single family and the duplex area were considered by the Planning Commission with the rezoning and preliminary plan at the March 22 meeting. Planning Commission recommended approval of the rezoning request and preliminary plan for the Meadows of Aspen Creek II with four conditions. The Governing Body is asked to adopt the rezoning ordinance and approve the associated preliminary development plan with the four conditions.

Judd Claussen, Phelps Engineering, 1270 N. Winchester, said he and the developer are available to answer questions and have a presentation, if needed.

Councilmember Deaton made a motion to accept the recommendation of the Planning Commission and adopt an ordinance changing the zoning classifications or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2698.

Roberts:	Yes
Baldwin:	Yes
Deaton:	Yes
Winters:	Yes

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Gregorcyk: Yes

3. Consider adopting an ordinance approving a rezoning from R-2 District to RP-4 District; and consider approving the associated Preliminary Development Plan for Meadows of Aspen Creek II

Mayor Shute noted they already heard Mr. Case's presentation on this item.

Scott Garrie, 28749 W. 184th St., thanked Director Knopick for his patience when they came with questions. He doesn't believe it was transparent in the beginning. Residents got notes on their doors informing them to move their things from the property. No one knew who the notes were from. There's contradictory information regarding the codes linked to the city's website. There's one place in Land Development Code and there's another one in the City Code that explains who is to be notified. They were trying to figure out how they protest the zoning, what code they were looking at. One of the codes said it's the property adjacent to those other properties, so that would mean at least five houses on his street should have been notified and signs should have been posted abutting those streets. Some aren't here tonight but were at the Planning Commission meeting. They did receive letters, but the letters didn't match the signs that were posted. One spoke at the Planning Commission meeting. There was confusion with the piece of land in question. Everything seen tonight was just one parcel, but regarding the rezoning, they didn't want to notify someone, they were only looking at the part being rezoned, but everything council is approving tonight is one parcel. Why is RP-4 necessary? Prieb has built other developments in the county that have been R-2 or R-3. There's concern about what if that doesn't happen. They heard the proclamation about Arbor Day while construction on the overhead lines at the south end cut down trees. There are flooding and retention pond issues. This is contingent on stormwater and traffic. Traffic isn't good on the south side of town. The only HOA aspect of Aspen Creek is the pool, and there's going to be a lot of traffic there. When he was the parks director, they met with Rauch Coleman. He brought traffic up during Planning Commission. The main concern was traffic. It's Prieb's HOA, he can put a park down there, but it's going to be surround by traffic. It's not going to be a public park. The code is being used to say they're using a buffer area as park space and Land Development Code said they are supposed to be separate. Residents see Quail Meadows and Kill Creek, and grant money is helping, but council needs to get park space south of 183rd St. They will compact problems with the approval of this, traffic will blow up, people will cut through 183rd through this neighborhood. The only place kids will congregate will be the pool, and it's dangerous enough. Council should consider the amount they are impacting. He is not against development, but consider property values, be more transparent, clarify things.

Councilmember Gregorcyk submitted an email from Robert Huff, 18315 Canton St., into record. "I do have concern with agenda item #3 rezoning R2 to R4 for a proposed development in Aspen Creek for the meeting on 4/19/2021. I object to the rezoning of the property R2 to R4 and development of the number of duplexes proposed. My concern is about traffic safety. The video of my daughter almost being struck at the intersection of 183rd and Canton St. had a major impact on the approval of the pedestrian signaling being placed at that intersection. My wife's vehicle was struck by another motorist at the same intersection last fall doing the same thing the motorist did that almost struck my daughter. They were impatient and illegally passed at the intersection striking my wife's vehicle as she was waiting to turn into our neighborhood. I am all for the property being developed as the majority being single-family homes that would be consistent with the neighborhood. I am aware we have two small cul-de-sacs with townhomes. The number of town homes proposed in this new phase is at a much higher percentage per single-family home than the rest of our neighborhood. This creates a lot more traffic at an already dangerous intersection. The other main route taken will lead them down 186th, which is just as busy and congested with all of the traffic on Gardner Rd. I can't imagine what it will look like when the bridge construction begins. Likely they will use Canton to 183rd route to get to the 175th/I-35 interchange. What does this have to do with the zoning? R4 allows for the building of multiplexes. I understand that is not what the preliminary plat shows, but just like the weather can change without notice, a developer can too. Why even allow the option have the option to change their mind? The proposed development fits the zoning request as currently zoned at R2. The benefit of changing the zoning is to the developer only. No benefit to the city and definitely no benefit to our neighborhood or the safety of our citizens. The proposed 185th Terr. cul-de-sac is poorly designed. Way too many duplexes for the design of the street. Look at the parking situation on North Evergreen at 167th to

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167th Terr. It's almost impossible to get a fire engine down that road. 185th Terr. will be so condensed there is no way a fire engine could turn around with the proposed design once vehicles start parking on that roadway. I would ask that you deny the rezoning at the very least and leave the area zoned as R2. I would understand allowing the proposed preliminary plat of the development as the developer owns the property and has the right to build as he sees fit within the scope of the zoning. For the safety of my family and the other families in our neighborhood, I would ask that you please discuss these concerns with your peers during the council meeting prior to voting on the item."

Judd Claussen showed an overview of the area. It's single-family on the north side and duplexes on the south. The power lines referenced are on the south end and aligns with the green space corridor that runs from Gardner Rd to the southeast corner of this property. The northern section is R-1 with 56 single-family lots. The southern part is requested to be R-4. They are not proposing apartments or townhomes. They worked with the city to get the duplex to fit within the requirements. It had to do with the city's lot types, building types and lot area requirements. It's low-density for a duplex project, at 3.75 units to the acre. The applicant bought the property from the landowner last year. Claussen displayed the northern section plans from the previous landowner, and noted the new plan is very similar with the same street patterns and one less lot on the southeast corner to allow for a street stub to the east to the next development when it comes in. It makes connectivity a key for transportation and solving traffic problems. That was due to working with staff and understanding traffic concerns of the neighborhood, and illustrates the planning that the client and the staff did. Claussen displayed the southern section plans from the previous landowner as the final phase of Aspen Creek. There's a sanitary sewer main already constructed set up as part of the overall master plan to serve the development that's there and the future development. The cul-de-sac at the northwest end has a bulb in it, and will have a median to cut down on pavement in that area. The street section connects off to the west, and will stub off to the east for another possible future connection. Claussen's firm was the design engineer for 188th St as part of the Plaza South development. The ultimate plan is that potentially 188th St. could cycle through the city like a frontage road along the interstate and continue to the northeast. This subdivision helps provide that opportunity. It would allow for more connections and other ways for people to get in and out and solve traffic concerns. They heard traffic questions, and have worked to build that into this plan. The southern area is programmed to have a walking train and frisbee golf stations and a hammock garden. It's not an open space that's not accessible; they moved the access point to the west so the subdivision to the west can access it. The previous plan didn't include it so no excise tax was being paid for it. It adds approximately 7 acres of excise tax now that can go to public improvements. There were concerns about drainage, and there is a drainage map on the northern section. There is a proposed storm sewer running north to south that will serve the project. The existing single-family lots to the north and west drain into an unimproved swale and into other property. This will intercept a lot of that flow and solve some localized issues. There will be improvement in that area.

Mayor Shute clarified this is RP-4, as the applicant and commenters referred to it as R-4. Director Knopick confirmed. RP-4 is a planned district, which requires a preliminary development plan and a final development plan. The plan becomes part of the regulatory function for future land use and development. If there is a significant change to the development plan from what is proposed in the preliminary plan, it would go back to Planning Commission, require a public hearing, and then come back before council. The R-4 district is the zoning district, but the P designation is critical. The preliminary plan and final plan would put limits on this property for use and design.

Councilmember Deaton asked for clarification that R-2 is duplexes. There were concerns with moving to RP-4 allowing for multi-density. Knopick said 13 of the 33 lots proposed for duplexes are under 10,000 sq. ft. R-2 requires all lots be 10,000 sq. ft., and would require deviation for each of the 13 lots. An R-4 district would allow for other types of housing, but the preliminary plan is what sets the limit to duplexes only. Shute said this designation is to prevent a lot of deviations. Knopick confirmed; with many deviations, it becomes a difficult plan to enforce over time. This makes it easier to implement and regulate through construction.

Councilmember Gregorcyk supports infill. There's a need for the community for this type of housing. Drainage is a concern. He's concerned about safety and making sure the duplexes stay duplexes. How does the drainage match up with church drainage south and west? Mr. Claussen said the Plaza South project has its own detention basins

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on its north side and along the east side that serve detention for the church and for the middle and eastern portions of that development. It drains south and east and crosses the interstate in a tributary. The drainage for their property would follow the western property line to a detention basin north of the public area. There will be stormwater treatment and detention, and will release to the south to the tributary. Gregorcyk asked if the outlet would be at the threshold of the park entrance. Claussen said it will be on the south side of street to the east of the walking path. They will have culverts for the walking path and a low depression area for back up. He noted they don't intend to remove any trees along the south property line. Gregorcyk noted the code says park land is in addition to buffer and landscaping areas. Director Knopick said there is a difference in the sense of public park. This will not be a public park; this is a privately-owned open space area that the HOA maintains. The developer would be engaged in building and maintaining the facility until the HOA comes into existence. This doesn't mean people from other parts of the neighborhood won't be allowed to walk there; these HOA open spaces aren't regulated to that level. In the LDC, under open space requirements, there are different types of open space that are listed. Those are for example purposes and one of the categories does say park. Staff made a note and will clean up the language; it could be greenway or natural open space. When they use park, people think of a public park right-of-way. This development would be subject to park impact fees in addition to providing the open space. The open space is a requirement for the development. Gregorcyk asked if there is any concern about the proximity of the power line to the neighborhood open space. Claussen said no. Gregorcyk asked if there are any changes with the open space, would they need to work with the power line company? Claussen said they will need to get an encroachment agreement. Trails and frisbee golf are acceptable encroachments. Knopick added if there is a significant change to this facility, they would need to approach the city to determine if any changes were significant enough to be sent to back through the planning process. Gregorcyk said in the documentation presented at PC, it noted low-income tax credit housing. He noted that Mr. Case mentioned the cost of homes but it's not in the minutes. Gregorcyk is clarifying that these homes are not low-income tax credit homes. Claussen confirmed, noting these are for rent at market rate products. Gregorcyk asked what range the market would become. Claussen said the duplexes would average \$1600-\$1800 per month. The average price would be around a \$250,000 valuation per unit. Gregorcyk noted the units would become a part of the HOA; would they have HOA dues on top of the rent? Knopick said only if the HOA is organized that way. The HOA comes into existence through covenants and restrictions. The city is not party to those elements. Claussen said typically in a for-rent product, there is a rent amount per month, and the developer covers those types of HOA costs as part of what they collect in the rental cost. Knopick addressed the low-income tax credits. It was in the staff report under analysis because staff draws elements from various plans that indicate how a proposed development may or may not fit with goals, policies, or recommendations out of long-range plans. The application did not refer to rents or tax credits.

Councilmember Baldwin said every correspondence he received noted the R-4 designation and confusion. Baldwin had replied to Mr. Huff directly. Mr. Huff responded "Thank you for clarifying the zoning. My fear was the ability to change to multiplexes without oversight and creating more traffic." Now that it's understood, residents are more receptive to the project. Mr. Claussen further clarified that it is RP-4.

Councilmember Roberts noted her concern that Mr. Garrie had issue with postings and signage. Going forward, they need ensure everything is posted correctly. Mayor Shute asked if notice requirements were satisfied. Director Knopick confirmed. Sections of website have older sections of code; anyone referencing codes need to refer to GMC Title 17. Staff followed appropriate notices as set forth in Title 17. Shute noted that cleaning up the website is needed. Councilmember Gregorcyk asked how they trust/verify they have the right signage? Knopick said after the applicant or staff posts once the applicant or staff posts the property, there are periodic visits to make sure they aren't moved. Staff sends the notice and follows the process; if someone did not receive it, that's not on the city. In this case, the signs were posted at the end of roadways so that it was noticeable. The instruction is to place on property, or very close to property to be visible. Staff took photos of them when they were placed. Shute noted he lives just west of this neighborhood. There are duplexes in the area that are in the same price classification as the ones planned for Canton St. The single-family is also in the same price classification as the ones on 184th St. This plan is consistent the property adjacent. Knopick confirmed that they are duplexes, but he does not know the cost ranges and mortgages. Shute said they are market rate and in the same price point according to those who live there.

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Councilmember Baldwin made a motion to accept the recommendation of the Planning Commission and approve Ordinance No. 2699, an ordinance changing the zoning classifications or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2699.

Baldwin:	Yes
Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Shute:	Yes

Director Knopick asked to confirm the motion was to adopt the ordinance and consider approving the associated preliminary development plan.

Attorney Spencer Low suggested making a second motion, or redoing the motion. Shute noted the language of the initial motion did not include the preliminary development plan approval. Shute asked for a motion on accepting the preliminary development plan for Meadows of Aspen Creek II.

Councilmember Baldwin made a motion to accept the associated preliminary development plan for Meadows of Aspen Creek II pursuant to rezoning

Councilmember Deaton seconded.

Councilmember Gregorcyk asked if it should be roll-call vote. Shute struck the previous motion. Knopick said the proposed Ordinance 2699 has wording that is an RP-4 district. He wanted to clarify that council is approving the preliminary plan as it is associated with the RP-4. The motion that was read in did not include that. Attorney Low said they can amend the motion.

Councilmember Roberts made a motion to amend Ordinance No. 2699 to add the language and approve the associate Preliminary Development Plan for Meadows of Aspen Creek II.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2699.

Baldwin:	Yes
Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Shute:	Yes

OLD BUSINESS

1. Consider authorizing the execution of a contract with Gardner Disposal, Inc. for the 2021 City-Wide Clean Up

Public Works Director Kellen Headlee said this is the item that was tabled from last meeting. Per council direction, staff contacted Gardner Disposal regarding proposed options that would limit the top dollar value on the original request. Gardner Disposal is not equipped or interested in the additional risk they would take on for operating a

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ticket system or not having the inclusion of a guaranteed minimum dollar value. If the city changes from the original request, they would withdraw.

Councilmember Baldwin said it's a business. Gardner Disposal has overhead. It's not part of their normal pickup, so they would have overtime. It's their choice to specify what they need. Whether council wants to meet it or not is up to council. Mayor Shute asked if there was discussion dealing with the limitation of items. Director Headlee said if current limitations are removed, Gardner Disposal would withdraw. Councilmember Gregorcyk said this would be an opportunity for an RFP moving forward. Changing the expectations so close to timeline was unfair. Gardner Disposal could provide data for this year by providing number of houses that participate. That would enable the council to be better equipped in making changes. It would allow vendors to price that into their bids.

Councilmember Gregorcyk made a motion to authorize the City Administrator to execute a contract with Gardner Disposal, Inc. for the 2021 City-wide Clean Up for a guaranteed total of \$40,000.00 and authorize the City Administrator to approve additional costs at \$200.00 per ton based on actual tonnage collected.

Councilmember Roberts Seconded.

Councilmember Winters understood not wanting to subsidize those who don't use it, but there are other cases of this. There are other services provided on things not everyone uses, like the airport or golf course. Winters doesn't have a plane, but supports tax money being spent on the airport. This is popular with the community; they appreciate this service. It helps the community in general with clean-up. There are people that can't afford to take things away, so it stays on their property. This is a benefit.

Councilmember Baldwin said they aren't going to get more proposals; businesses aren't interested. Baldwin said if they are going to do this, it should be like yard refuse residents take to the fairgrounds. Baldwin proposed staff handle pick-up and get a cost on direct haul to the dump. Or residents bring it to a centralized location. He is interested in the cost for the city to go to the dump. Shute noted that Ottawa charges \$15 a load. Baldwin said they would know the cost and the estimate, then they could charge the resident. Like the airport or golf course, there are fees. They rent hangars, pay green fees, pay for entry to the pool, and could pay to take trash away. They shouldn't use tax dollars to support a service that is not a requirement when there are unfunded projects.

Councilmember Deaton loves the clean-up and participates every year. Now on council, authorizing a blank check is a struggle to her. They have unfunded projects. She wouldn't hire a contractor to do work without knowing how much it will cost. Gregorcyk said they have opportunity to consider changes for next year.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. Baldwin – No; Deaton - No

NEW BUSINESS

1. Consider adopting a resolution setting a public hearing and providing consideration of amending a Community Improvement District within in the City (Main Street Market Place)

Finance Director Matt Wolff said Bond Counsel Tyler Ellsworth would be discussing the next three items. Ellsworth said items 1 and 2 are related. In 2018 and 2019, the city was requested to put in a TIF district and Community Improvement District (CID) in connection with building the new Price Chopper and redeveloping the entirety of the shopping center housing the old Price Chopper. Ellsworth showed an image of the existing TIF and CID location. In 2018, they reached out to the owner of the former Casey's site at the southwest end of the district. The property wasn't for sale at the time, but has now has recently sold. There are three different tax parcels in the southwest corner of the shopping center. The old Casey's site is not included in the TIF and CID. The request is to include that parcel in both districts. The new Freddy's development is on this additional parcel and it's also on part of the existing TIF and CID. The goal is to expand the TIF district so the TIF increment generated there goes to reimburse the developers costs for their work on the shopping center as a whole, and the same for the CID revenues. This would include Freddy's and the CID sales tax would be generated there would increase the rate that the developers are reimbursed. Council is requested to consider two separate resolutions; the first relates to the CID and the second relates to the TIF district. The resolutions set public hearings for June

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7, to consider the addition of this parcel to each of those two districts. There would be an ordinance that council would consider and potentially pass that would make it effective. The developer's attorney is available on Zoom.

Councilmember Baldwin said when they approved the TIF, there was criteria for the area being blighted. By adding additional square footage, do they need to revisit that? Mr. Ellsworth said statutes aren't clear. Had this been included from the beginning, the entire shopping center would still have been blighted. It's within the spirit of the statute to consider this addition. They can't do a new blight study now, due to improvements made already. Mayor Shute clarified that this starts the clock on the public hearing process. Ellsworth confirmed, they are not approving anything tonight, only setting a public hearing.

Councilmember Gregorcyk made a motion to adopt a resolution of the City of Gardner, Kansas, providing for notice of a public hearing to consider adding area to a Community Improvement District within the City pursuant to K.S.A. 12-6a26 *et seq.*, as amended (Main Street Market Place CID)

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2080.

Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Baldwin:	Yes

2. Consider adopting a resolution setting a public hearing and providing for the consideration of amending a TIF district in the City (Main Street Market Place)

Councilmember Deaton made a motion to adopt a resolution of the City of Gardner, Kansas, providing for notice of a public hearing to consider adding area to a Redevelopment District within the city pursuant to K.S.A. 12-1770 *et. seq.*, as amended (Main Street Market Place Redevelopment District)

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2081.

Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Baldwin:	Yes
Deaton:	Yes

3. Consider adopting an ordinance approving the execution and delivery of a development agreement for a development project within the City (Plaza South) and amending Ordinance No. 2634 changing the start date of the Plaza South Community Improvement District

Bond Counsel Tyler Ellsworth said in 2019, the city approved a Community Improvement District (CID) for the Plaza South development. It's a commercial development at Gardner Rd. and 188th St. The city entered a Memorandum of Understanding (MOU) with the developer. The MOU was a high-level document outlining the deal points in broad terms. Now that developer is close to completing, they should convert the MOU into a full Development Agreement. It contains largely the same deal points, but there more administration and finer points on how the CID costs are certified to the city and how the reimbursement will be paid to the developer. This ordinance approves the form of the Development Agreement and delays start of collection for the CID sales tax

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for 12 months. It was an option the developer had in the MOU and based on the progress made, it is fair to extend start date. It does not extend the term of the CID. It was 12-year term and will remain 12-year term; it will begin a year from now when there should be more retailers.

Councilmember Gregorcyk clarified that the 12-month extension is their way of waiting on revenue. Mr. Ellsworth confirmed; they gave the developer the option because they didn't know how far the development would be at this point. Based on progress, it makes sense to delay it 12 months. They have a 12-year window once the development is running when there are sales taxes to collect. Mayor Shute noted that, due to COVID, there was a slow-down in commercial leasing.

Councilmember Gregorcyk made a motion to adopt an ordinance authorizing the execution and delivery of a Development Agreement in connection with the Plaza South Community Improvement District in the City of Gardner, Kansas; and amending Ordinance No. 2634 of the City

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2700.

Gregorcyk:	Yes
Roberts:	Yes
Baldwin:	Yes
Deaton:	Yes
Winters:	Yes

4. Consider adopting a resolution authorizing the construction of certain sewerage system improvements and authorizing the issuance of general obligation bonds to pay the cost of such improvements

Finance Director Matt Wolff said this is a follow up to a project approved earlier. The total estimated project cost is approximately \$400,000, and that includes financing costs and \$50,000-\$60,000 installation costs. Shute noted this is a housekeeping item for the UV system replacement approved earlier in the meeting.

Councilmember Deaton made a motion to adopt a resolution authorizing the construction of certain sewerage system improvements and authorizing general obligation bonds to be issued in an amount not to exceed \$400,000 to pay the cost of such improvements, all pursuant to K.S.A. 12-617 and 12-618.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2082.

Roberts:	Yes
Baldwin:	Yes
Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes

5. Consider adopting a Charter Ordinance amending Charter Ordinance No. 27 establishing the term of office and swearing-in of members of the City's Governing Body

Attorney Spencer Low said back in 2019, Senate Bill 105 provided new guidance on swearing in terms. The city adopted a new resolution as per the senate bill. There is a charter ordinance that deals with swearing in and is separate from the resolution. This proposed charter ordinance has three changes. The previous charter ordinance referred to specific dates, while the new one is silent on dates. The second changes the varying date from the 2nd

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Monday in January to the first meeting in December, mirroring the resolution. The third change states that vacancies will be filled for the remainder of that term of office.

Councilmember Gregorcyk asked if the ceremonial part of swearing in will be important to staff for those elected. doesn't change that family oriented ceremony, correct? Mayor Shute confirmed.

Councilmember Gregorcyk made a motion to adopt a charter ordinance amending Charter Ordinance No. 27, establishing the term of office and swearing-in of members of the Governing Body of Gardner, Kansas.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Charter Ordinance passed and was assigned Charter Ordinance number 29.

Baldwin:	Yes
Deaton:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	Yes
Shute:	Yes

6. Consider adopting an ordinance amending Chapter 2.05.040 of the Municipal Code of the City, entitled "Governing Body Rules of Procedure"

City Clerk Sharon Rose said this is a housekeeping item in relation to the charter ordinance that was just passed. The Governing Body Rules of Procedure (GBROP) was first adopted on March 18, 2013. It has been revised a few times, and the adoption of this ordinance will incorporate the latest changes that were just approved in Charter Ordinance No. 29, namely the swearing-in of elected officials at the first December meeting following the certification of the election and that vacancies will fulfill the term of office.

Councilmember Baldwin said he would support not having any of the text, and would rather reference the charter ordinance, similar to what they have with the Land Development Code. He said having something listed the same way in two places causes issue when one is changed without the other.

Councilmember Gregorcyk asked if the level of detail is to be statutorily compliant with the state, or is it self-inflicted. Baldwin said the GBROP is self-inflicted because those are just the governing body's.

Mayor Shute asked if there was any will to make edits. He asked why this is in the GBROP, because the GBROP doesn't have anything to do with election terms or swearing in. City Administrator Pruetting said they can strike that section. Deputy Administrator Nasta said what they did was edit the previous version. They condensed the GBROP in recent years, so this would be further condensing. Shute said it makes sense to remove extraneous or duplicative information. The GBROP is meant to govern the proceedings at the dais. Pruetting said Attorney Low noted there is duplicate language in the GBROP and it references the Charter Ordinance. Attorney Low said sections in Chapter 2 refer back to a charter ordinance from where they are derived. Taking out duplicative items may be a larger housekeeping task.

Councilmember Gregorcyk asked if they should table the item and have staff and legal review it. Shute noted they can, but would be out of compliance. Deputy Administrator Nasta said they have 60 days before the charter ordinance becomes effective.

Councilmember Gregorcyk made a motion to table the adoption of an ordinance amending Chapter 2.05.040 of the Municipal Code of the City of Gardner, Kansas, entitled "Governing Body Rules of Procedure" and incorporating by reference the *Governing Body Rules of Procedure*, under the provisions of K.S.A. 12-3009 through 12-3012.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

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COUNCIL UPDATES

Deputy Administrator Nasta said they held the first Parks Master Plan task force meeting last week. They created a survey, which is under review by the task force and will be going out to public soon. Gregorcyk asked if staff are self-performing. Nasta confirmed. Gregorcyk noted they are saving thousands of dollars.

Mayor Shute asked about an opening on one of the committees. Director Knopick said there may be an opening on EDAC, but it is not definitive yet.

Chief Belcher followed up on the tornado siren relocation. He is working with utilities staff. It will be located just south of where it is currently.

Director Bruce said there is a greenway clean up at Winwood Park this weekend for Earth Day and Arbor Day. Staff should have update in FMM on opening the Gardner Aquatic Center. Mayor Shute asked about staffing. Bruce said lifeguards are in place, but they are very short staffed with facility supervisors and other seasonal staff.

Director Knopick said there is a Planning Commission meeting next Monday night. There will be another infill item with the Willow Chase development. Two new members will coming on board as approved tonight.

City Administrator Pruetting said the old police station is gone and they are finishing the grading soon. Staff will come to council soon with recommendations on processing the sale of that property.

Councilmember Roberts asked when they will have a PWAAC committee meeting. Shute said the committee was understaffed, but it is staffed now. Director Headlee said they can look toward the middle of May.

Councilmember Gregorcyk said he emailed Commissioner Allenbrand about the intersection of 4 Corners and 175th. Allenbrand responded that she is working with stakeholders. Fire Chief Kirk supports bringing safety to the intersection. Gregorcyk said they should look at other intersections along 56 Hwy between Gardner and Edgerton. Gregorcyk received information on transient guest tax from Finance Director Wolff. There is a surplus, and he supports earmarking some for advertising within the boundary of economic development. He asked for it to be on an upcoming agenda so he could get council's input. Revenues from guest tax will grow, then level off once life returns to new normal. City Administrator Pruetting will convene the committee

Councilmember Baldwin spoke with the commissioner, and Allenbrand said staff are actively working on a solution to the intersection. Baldwin discussed tracking projects on the city website. It can be a big picture of the project, but then be expanded out to show details. It may help with the issue from tonight regarding notifications of zoning changes. He would like to revisit doing this. Mayor Shute said it is the city being able to provide authoritative information to the public. City Administrator Pruetting said they spent some CARES funding on a new mobile app and migration to a website. One icon is for projects; they can use that as a pointer to the information. Director Knopick added that his staff are working on a similar dashboard that is GIS based. Councilmember Roberts supports Baldwin's idea to get more information out to the people easily.

Councilmember Winters read an article in the paper about cell phones. Does the city do any auditing on that? Director Wolff said the city has not done one in recent years. He cautioned that the audits take a lot of staff time.

Mayor Shute coaches soccer in town. Callie Dilks, who died in the accident at the 175th intersection, was a soccer fanatic. Teams wore purple in support of her; they tied purple ribbons on goal posts at the field where she played. There was a ceremony yesterday to commemorate her life. Shute is overwhelmed by spirit of community. It shows who they are as a city; they rally around those who are hurting. The city will work with county to make sure it doesn't happen again. His thoughts and prayers are with the family.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Deaton and seconded by Councilmember Baldwin the meeting adjourned at 9:07 p.m.

City Clerk